

## **REMARKS/ARGUMENT**

### **I. General Remarks.**

Claims 1-39 are pending in the present application.

Claims 87-113 are canceled herein in response to the restriction requirement imposed by the Examiner in the Third Office Action.

Previously, Applicants canceled claims 40-86 and 114-122 at the Examiner's request. These claims had previously been withdrawn in response to another restriction requirement. Applicants reserve the right to present claims 40-122 in one or more continuing applications.

### **II. Remarks Regarding the Restriction Requirement Imposed in the Third Office Action.**

In response to the Restriction Requirement imposed by the Examiner in the Third Office Action, Applicants elect claims 1-39 for continued prosecution on the merits, with traverse. Applicants respectfully assert that the Examiner has failed to meet the Examiner's burden under MPEP 808.02 to show a compelling reason why Applicants' amendments of August 26, 2005 necessitate further restriction of the claims in the present application. Moreover, Applicants respectfully assert that the timing of this Restriction Requirement is improper, and that the Examiner has not shown that additional searches are required, particularly in view of the examination that the Examiner already has performed on the claims that the Examiner now has restricted out.

### **III. Remarks Regarding the Status of Certain Rejections Instituted by the Examiner in the First Office Action Mailed November 10, 2004, But Apparently Not Maintained By the Examiner in the Second or Third Office Actions.**

In the first Office Action mailed November 10, 2004 (hereinafter, "First Office Action"), the Examiner instituted a number of rejections that Applicants answered in their Response filed February 16, 2005. However, in the Second Office Action mailed April 27, 2005, the Examiner failed to confirm that these rejections have been withdrawn after consideration of Applicants' arguments. In the Third Office Action, the Examiner again failed to confirm that

these rejections have been withdrawn, despite Applicants' repeated requests for notice of same. Absent any indication from the Examiner that these rejections are maintained, Applicants consider these rejections to have been withdrawn. Applicants respectfully request confirmation of the same by the Examiner in the Examiner's next communication to Applicants in this case.

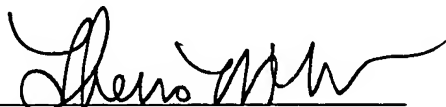
**SUMMARY**

In light of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that there are no additional fees due in association with this filing of this Response. However, should the Commissioner deem that any fees are due, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to Baker Botts L.L.P.'s Deposit Account No. 02-0383, Order Number 063718.0359.

Respectfully submitted,

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